

**1809.203-71 Waiver of qualification requirements.**

When acquiring a product under a specification that includes qualification requirements either for the end item or for components of the end item, the NASA installation conducting the acquisition can waive the qualification requirements. Directing a waiver of the end item qualification requirement constitutes adequate authorization for waiver of product qualification requirements. When a waiver has been granted, the solicitation shall specifically indicate that the qualification requirement is inapplicable. Such information shall also be included in any synopsis of the acquisition (see FAR subpart 5.2).

**1809.206 Acquisitions subject to qualification requirements.****1809.206-1 General. (NASA supplements paragraph (b) and (c))**

(b)(i) The authority to determine that an emergency exists is delegated to the installation's competition advocate. Requests for determination shall be prepared by the cognizant requirements office and submitted through the procurement officer.

(ii) Requests not to enforce a qualification requirement in a non-emergency situation shall be prepared by the cognizant requirements office and approved by the Headquarters Office of Safety and Mission Assurance (Code Q).

(c) If an offeror seeks to demonstrate its capability, both the product and the producer must meet the established standards.

**1809.206-70 Small businesses.**

If a small business otherwise eligible for award has been placed in a special status on a Qualified Products List (Mil-Bul-103) or the Qualified Manufacturers List (QML-38510) established as a part of the NASA Microelectronics Reliability Program and the contracting officer determines that the small business does not appear to have the capacity to perform, the certificate of competency procedures in FAR subpart 19.6 are applicable.

**1809.206-71 Contract clause.**

When qualified products (end items or components of end items) are being procured, the contracting officer shall insert the clause at 1852.209-70, Product Removal from Qualified Products List, in the solicitation and in the resulting contract.

**Subpart 1809.4—Debarment, Suspension, and Ineligibility****1809.403 Definitions.**

For purposes of FAR subpart 9.4 and this subpart, the Assistant Administrator for Procurement is the "debarment official," the "suspending official," and the agency head's "designee."

**1809.404 List of parties excluded from Federal procurement and non-procurement programs. (NASA supplements paragraphs (c) and (d))**

(c) The Office of Procurement (Code HK) is responsible for taking the actions listed in FAR 9.404(c).

(d)(1) Installation procurement offices shall notify Code HK of how many copies of the List they want and provide a single mailing address at the installation. Code HK will place the order for the copies which will be mailed directly to the installation. Electronic access is also available as described in the List.

[61 FR 47075, Sept. 6, 1996, as amended at 63 FR 32763, June 16, 1998]

**1809.405 Effect of listing**

If it is believed that a new contract or subcontract must be awarded to a firm on the List of Parties Excluded from Federal Procurement and Non-procurement Programs, the procurement officer shall prepare a request for a determination with all necessary supporting information and forward it to the Assistant Administrator for Procurement (Code HK) for approval.

[61 FR 47075, Sept. 6, 1996, as amended at 63 FR 32763, June 16, 1998]